

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5038 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SURESH N RAICHURA

Versus

NIRANJAN J THAKER

Appearance:

MR KS JHAVERI for Petitioner
MR DN PANDYA for Respondent No. 1
GOVERNMENT PLEADER for Respondent No. 2, 4
RULE SERVED for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/06/2000

ORAL JUDGEMENT

On 31.7.91 the matter was admitted. It is further
ordered to be heard with Special Civil Application

No.7870 of 1990, Ad-interim relief in terms of para 14(B) has also been granted. The Special Civil Application No.7870 of 1990 has been decided by this court on 17.6.2000. That petition has been allowed and the Revenue Secretary was directed to restore the revision application to its original number and after giving notice and hearing to the petitioner to decided the matter on merits.

The learned counsel for the parties submit that this matter is squarely covered by the decision aforesaid. Here, in this case also the reply to the Special Civil Application has not been filed by any of the respondent. So, it is uncontroverted that the petitioner was not given any opportunity of hearing by the respondent No.4 before deciding the revision application of the other respondent. Only on this ground this Special Civil Application succeeds and the same is allowed. The order of the respondent No.4 in Revision Application being No.SRD/JMN/JNR/18/90, dated 28.5.1991 at Annexure D is quashed and set aside and the respondent No.4 is directed to restore the revision application to its original number and after giving opportunity of hearing to the petitioner or its representative the same may be decided on merits in accordance with law. The Rule is made absolute. The respondent No.4 is directed to pay Rs.2,000/= towards the costs of this petition to the petitioner.

(S.K.Keshote, J.)

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